

Date: 05/16/2012



Environmental Management Consolidated Business Center (EMCBC)

Subject: Contracting Officer's Representative Designation and Continuing Learning

Implementing Procedure

APPROVED: (Signature on File)

EMCBC Director

ISSUED BY: OFFICE OF CONTRACTING

1.0 PURPOSE

The purpose of this procedure is to establish the requirements for Contracting Officer's Representative (CORs) delegations and continuing learning responsibilities.

2.0 SCOPE

The scope of this procedure covers the certification, designation, and continuous learning requirements for CORs.

3.0 APPLICABILITY

This procedure applies to all COR designations made by EMCBC warranted Contracting Officers.

4.0 REQUIREMENTS and REFERENCES

4.1 Requirements:

- 4.1.1 DEAR 942.2 – Contracting Officer's Representatives
- 4.1.2 DOE O 541.1B – Appointment of Contracting Officers and Contracting Officer Representatives
- 4.1.3 DOE O 361.1A, Acquisition Career Development Program
- 4.1.4 Policy Flash 2007-19, Acquisition Career Management Program Handbook, dated January 30, 2007
- 4.1.5 DOE Acquisition Career Management Program Handbook, January 2009
<http://energy.gov/management/downloads/acquisition-career-management-handbook>

4.2 References:

- 4.2.1 IP-243-03, Identifying, Filing and Maintaining Records

5.0 DEFINITIONS

Federal Acquisition Institute Training Application System (FAITAS)– FAITAS allows all civilian agency employees to electronically submit acquisition related training applications and manage their career development.

6.0 RESPONSIBILITIES

6.1 Contract Specialist (CS)/Contracting Officer (CO):

- 6.1.1 The CS/CO is responsible for ensuring that COR candidates have completed the core curriculum training requirements defined in the Acquisition Career Management Program (ACMP) Handbook prior to COR designation.
- 6.1.2 The CO is responsible for formally designating CORs in writing and providing the completed “Contracting Officer Representative Certification Request” from the ACMP Handbook (see Attachment A) to the Policy and Administrative Support Team central CO/COR file. A sample COR designation letter is provided in Attachment B.
- 6.1.3 The CS/CO is responsible for ensuring that designated CORs maintain certification as required by the ACMP Handbook.

6.2 Contracting Officer’s Representative (COR):

- 6.2.1 The COR is responsible for submitting a completed “Contracting Officer Representative Certification Request” to the CO/CS.
- 6.2.2 The COR is responsible for maintaining certification through the completion of 40 hours of continuing training every 2 years as defined in the ACMP Handbook. Failure to do so may result in revocation of COR certification.
- 6.2.3 The COR is responsible for entering scheduled and/or completed COR core curriculum and continuous learning training activities is FAITAS. Instructions for gaining access to FAITAS are provided in the ACMP Handbook, which can be found at the following web address:
<http://energy.gov/management/downloads/acquisition-career-management-handbook>

6.3 OOO Policy and Administrative Support Team:

- 6.3.1 The OOC Policy and Administrative Support Team is responsible for maintaining the CO/COR central file.

7.0 GENERAL INFORMATION

A COR is a Government employee formally designated to act as an authorized representative of a CO for specified functions that do not include actions that could change the scope, price, terms or conditions of a contract (e.g. technical monitoring). As defined by DOE O 361.1, Acquisition Career Development Program, CORs are members of the acquisition workforce and are subject to the qualification and continuing training requirements of this program.

8.0 PROCEDURE

8.1 An individual designated as a COR must meet the qualification and training requirements set forth in the DOE ACMP Handbook. The CO may request a waiver in accordance with the ACMP Handbook if the COR candidate does not meet the certification requirements.

8.2 CORs must be designated formally, in writing, by the CO and will be subject to the requirements of the DOE ACMP Handbook. A sample COR designation letter is provided in Attachment B.

8.3 COR appointments must be documented in writing and include the following:

- Name and position,
- Instructions delineating actions that may or may not be taken on behalf of the CO, and
- Copies of certificates indicating completion of training required by the ACMP Handbook.

8.4 The Policy and Administrative Support Team shall maintain a central file of all completed "Contracting Officer Representative Certification Request" documentation (see the ACMP Handbook) and COR/Alternate COR designation memoranda, including rescission memoranda.

8.5 Immediately after contract award, COs shall follow through with a comprehensive, written delegation as to what extent CORs are authorized to act in the performance of their duties. If an alternate COR is designated, a separate designation memorandum is necessary. Receipt of the memorandum must be acknowledged by the COR or Alternate COR and returned to the CO. The CO maintains the signed copy in the contract file and ensures distribution of copies to the COR/Alternate COR, contractor, and the Policy and Administrative Support Team.

8.6 Whenever there is a change in the COR or Alternate COR for technical monitoring under the contract, a new memorandum is to be issued designating the newly assigned COR/Alternate COR. In addition, a rescission of COR/Alternate COR designation of responsibilities in the form of a memorandum shall be issued to the former COR/Alternate COR. A sample rescission of COR/Alternate COR designation is provided in Attachment C. In both cases, the former and newly assigned CORs/

Alternate CORs shall each acknowledge receipt of the memorandum and return it to the CO. The CO shall ensure distribution of copies of the memorandum to the CORs/Alternate CORs, while original copies of each memorandum shall be maintained in the contract file.

8.7 A contract Technical Monitor (TM) may be designated by the COR (if authorized in the appointment letter by the Contracting Officer) to assist the COR in carrying out assigned functions. The TM, however, shall not make decisions which have been delegated to the COR. A sample TM designation letter is provided in Attachment D. The COR shall not assign decision making authority to the TM unless authorized by the CO.

8.8 The COR shall complete 40 hours every 2 years of continuing learning as required by the ACMP Handbook. Failure of the COR to complete the continuing learning requirements may result in an invalid COR certification.

9.0 RECORDS MAINTENANCE

9.1 Records generated as a result of implementing this procedure are identified as follows, and are maintained [in accordance with the Office of Contracting File Plan](#):

[9.1.1 ADM 01-29-B - Federal Employee Training Records – Contracting Officer Certification Files](#)

10.0 FORMS USED – Not applicable

11.0 ATTACHMENTS

11.1 Attachment A – Contracting Officer Representative Certification Request

11.2 Attachment B – Sample Memorandum for COR (or Alternate COR) Designation

11.3 Attachment C – Sample Memorandum for Recision of Designation of COR/Alternate COR

11.4 Attachment D – Sample Memorandum for TM/Alternate TM Designation

**CONTRACTING OFFICER REPRESENTATIVE
CERTIFICATION REQUEST**

PART A - EMPLOYEE INFORMATION

Name (Last, First, Middle initial) _____

Email Address _____

Phone _____

Agency Name _____

Agency Address _____

Title, Series, Grade _____

PART B – CERTIFICATION REQUIREMENTS

CONTRACTING OFFICER REPRESENTATIVE RESPONSIBILITIES

Course Title and Number of Training Hours
_____; _____
Course Provider Date Complete

PERFORMANCE-BASED STATEMENTS OF WORK

Course Title and Number of Training Hours
_____; _____
Course Provider Date Complete

**COR RESPONSIBILITIES FOR M&O/M&I CONTRACTS (required if COR for
M&O/M&I contract)**

Course Title and Number of Training Hours
_____; _____
Course Provider Date Complete

EARNED VALUE MANAGEMENT (required if COR for Capital or Operating Project)

Course Title and Number of Training Hours
_____; _____
Course Provider Date Complete

PART C – SIGNATURES

Applicant's Signature _____ Date _____

Supervisor's Endorsement:

I recommend the above individual for certification as a: (check one as applicable)

☐ COR

☐ COR with M&O/M&I Responsibilities

☐ COR for Capital or Operating Project

Name _____

Signature _____ Date _____

Functional Advisor's Approval:

I approve the above individual for certification as a: (check one as applicable)

☐ COR

☐ COR with M&O/M&I Responsibilities

☐ COR for Capital or Operating Project

Name _____

Signature _____ Date _____

Sample Memorandum for COR (or Alternate COR) Designation

CONTRACT NO. _____, _____
(Name of Contractor)

Pursuant to DEAR 942.270-1 and in accordance with the Technical Direction clause contained in the subject contract, you are hereby designated to act as the Contracting Officer's ⁽¹⁾ _____ for technical monitoring in relation to the supplies and/or services to be provided under the subject contract.

Your responsibilities originate from the provisions of the subject contract, DEAR 942.270-1, and DOE Order 541.1B. Your duties will consist of the following:

1. Thoroughly familiarize yourself with all of the requirements of the contract and your responsibilities relative to these requirements.

Select following if contract provides for issuance of task orders:

2. In accordance with the contract's Ordering clause, recommend approval of task orders to the Contracting Officer, and issue technical guidance in accordance with the contract's Technical Direction clause.

Select following if contract does not provide for issuance of task orders:

3. Issue technical guidance in accordance with the contract's Technical Direction clause.
4. Recommend in writing to the Contracting Officer desired changes to the scope of work giving a full explanation of the proposed action. Only the Contracting Officer is authorized to modify or terminate the contract. If the contractor proposes a change, you are to obtain a written statement to that effect and forward that statement along with your recommendations to the Contracting Officer. This statement should also include the estimated cost of any proposed increase or decrease in the scope of work and the availability of funds.
5. Assure that changes in the scope of work or delivery schedule are issued by written contract modification by the Contracting Officer before the contractor proceeds with the changes.
6. Interpret the technical requirements of the contract's scope of work for the contractor and obtain guidance through the contracting officer regarding controversial issues.
7. Report to the contracting officer all technical questions arising from the contractor which cannot be resolved without increased costs, alterations, or changes to the contract's scope and recommend solutions to such problems.

⁽¹⁾ Fill in whether appointment is for Representative or Representative (Alternate).

8. Assure that the contractor complies with all technical requirements defined in the scope of work, including reports, documentation, data, work products, milestone schedules, and deliverables.
9. Inform the Contracting Officer in writing of any performance failure by the contractor.
10. Inform the Contracting Officer if it appears that the contract will not be completed on schedule and recommend remedial action.
11. Assure that the government meets its contractual obligations to the contractor, including any government-furnished equipment and services called for in the contract, and timely government comments on, or approval of, the required contract deliverables.
12. Immediately notify the Contracting Officer of any indication that the cost to the government of completing performance under the contract will exceed the amount stated in the contract.
13. Report any indication that costs are being incurred which are not appropriately chargeable to the contract.
14. Monitor travel under the contract to assure its necessity.
15. Review contractor's periodic billings or vouchers in relation to the contract and progress reports to determine whether work accomplished is commensurate to payment requested and process vouchers for payment.
16. Provide a copy of all correspondence that you generate or receive relating to the contract to the Contracting Officer.
17. Inspect and accept all deliverables within the scope of the contract.
18. Review contract deliverables for unauthorized work and any evidence of organizational conflicts of interest problems.
19. Assure that requirements and policies of DOE Order 541.1B are adhered to and that no employer-employee relationship between Government and contractor employees is created.

In performing these responsibilities, you are **not** authorized to redelegate any COR responsibility to others; or negotiate terms or make any agreements or commitments with the contractor which involve a change in the scope, price/cost, terms, or conditions of the contract. Only the Contracting Officer is authorized to modify any term or condition of the contract, waive any requirement of the contract, or approve the payment of vouchers.

I have appointed _____⁽²⁾

to be _____⁽³⁾; and he/she has been notified in writing by separate memorandum.

Please acknowledge receipt of the appointment and return one copy to _____⁽⁴⁾.

Contracting Officer

cc: COR or Alternate COR (as appropriate)

RECEIPT ACKNOWLEDGED:*

Name

Date

*Acknowledgment must be by the addressee.

⁽²⁾ Fill in name of Representative or Representative (Alternate), as appropriate.

⁽³⁾ Fill in Representative if appointment addressed to Alternate; Representative (Alternate) if addressed to primary.

⁽⁴⁾ Fill in Contract Specialist's name/office symbol.

Sample Memorandum for Recision of Designation of COR

CONTRACT NO. _____,
(Name of Contractor)

My prior memorandum dated _____, subject as above, appointing you as Contracting
Officer's _____⁽¹⁾ is hereby cancelled.

Contracting Officer

cc: Contractor
COR or Alternate COR (as appropriate)

RECEIPT ACKNOWLEDGED:*

Name

Date

*Acknowledgment must be by the addressee.

⁽¹⁾ Fill in whether cancelling Representative or Representative (Alternate).

Sample Letter for TM (or Alternate TM) Designation

CONTRACT NO. _____, _____
(Name of Contractor)

In connection with the performance of the above indicated contract, you are designated as
_____⁽¹⁾.

Your responsibilities will be to assist the Contracting Officer's Representative (COR) as follows, and you should address to the undersigned all matters relating to the following items:

1. Thoroughly familiarize yourself with all of the requirements of the contract and the responsibilities of the Contracting Officer's Representative (COR) relative to these requirements.
2. Prepare task orders for COR recommendation and Contracting Officer approval in accordance with the Ordering clause contained in the contract and in adherence to requirements of the Contracting Officer or COR, including the provision of any information the COR deems necessary to allow the COR to evaluate whether a task order should be approved by the Contracting Officer. Assist the COR in providing technical guidance, in accordance with the Technical Direction clause contained in the contract, by preparing for issue by the COR such guidance which is within the scope of specific task orders.
3. Recommend in writing desired changes to the scope of work giving a full explanation of the proposed action. Only the Contracting Officer is authorized to modify or terminate the contract. If the contractor proposes a change, you are to obtain a written statement to that effect and forward that statement along with your recommendations to me. This statement should also include the estimated cost of any proposed increase or decrease in the scope of work and the availability of funds.
4. Assure that changes in the scope of work or delivery schedule are issued by written contract modification by the Contracting Officer before the contractor proceeds with the changes.
5. Interpret the technical requirements of the contract's scope of work for the contractor and obtain guidance through the COR regarding controversial issues.
6. Report all technical questions arising from the contract which cannot be resolved without increased costs, alterations, or changes to the contract's scope and recommend solutions to such problems.

⁽¹⁾ Fill in with Technical Monitor or Technical Monitor (Alternate), whichever is appropriate.

7. Assure that the contractor complies with all technical requirements defined in the scope of work, including reports, documentation, data, etc.
8. Report any performance failure by the contractor.
9. Report any condition in which it appears that the contract will not be completed on schedule and recommend remedial action.
10. Assist in assuring that the government meets its contractual obligations to the contractor, including the government-furnished equipment and services called for in the contract, and timely government comments on, or approval of, the required contract deliverables.
11. Immediately report any indication that the cost to the government of completing performance under the contract will exceed the amount stated in the contract.
12. Report any indication that costs are being incurred which are not appropriately chargeable to the contract.
13. Monitor travel under the contract to assure its necessity.
14. Review contractor's periodic billings or vouchers in relation to the contract and progress reports to determine whether work accomplished is commensurate to payment requested.*
15. Provide a copy of all correspondence that you generate or receive relating to the contract to the COR.
16. Assist the COR in inspecting and accepting all deliverables within the scope of the contract. Such assistance should include your thorough inspection of all deliverables. If you recommend that the COR should accept a deliverable, your recommendation should be written and should state specific reasons why such acceptance is appropriate.
17. Review contract deliverables for unauthorized work and any evidence of organizational conflicts of interest problems.
18. For support service contracts, assure that requirements and policies of DOE Order 541.1B are adhered to and that no employer-employee relationship between Government and contractor employees is created.

*CO should add the following if appropriate: If work is being performed for a management and operating contractor, you are authorized to furnish voucher review directly to the Contracting Officer.

In performing these responsibilities, you are **not** authorized to redelegate any responsibility to others; or negotiate terms or make any agreements or commitments with the contractor which involve a change in the scope, price/cost, terms, or conditions of the contract. Only the Contracting Officer is authorized to modify any term or condition of the contract, waive any requirement of the contract, or approve the payment of vouchers.

I have designated _____⁽²⁾
to be _____⁽³⁾ by a separate letter.

Please acknowledge receipt of this designation and return the original and one copy to the undersigned. The original will be forwarded to the Contracting Officer for the contract file.

Contracting Officer's Representative

RECEIPT ACKNOWLEDGED:*

Signature

Date

*Acknowledgment must be by the addressee.

⁽²⁾ Fill in with name of Contract Technical Monitor or Contract Technical Monitor (Alternate).

⁽³⁾ Fill in with Contract Technical Monitor or Contract Technical Monitor (Alternate).

EMCBC RECORD OF REVISION

DOCUMENT TITLE: Contracting Officer's Representative Designation and Continuing Learning

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Initial Procedure	All	12/3/07
Page Change (PC)	Update web address for the DOE Acquisition Career Management Program Handbook in Sections 4.1.5 and 6.2.3	1, 2	05/16/12
(PC)	Update reference to database used for Acquisition training information from ACMIS to FAITAS.	1, 2	05/16/12
(PC)	Section 9.0 Records Maintenance	4	05/16/12